IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 11TH JULY 2007 / 20TH ASHADHA 1929

Bail Appl..No. 4172 of 2007()

CRIME NO.194/07 OF NEELESWAR POLICE STATION

PETITIONER

RANJITH P.V., S/O. KRISHNAN,
AGED 27 YEARS, KAKKATTU, KANATHUM MOOLA,
P.O.BANGALAM, NEELESWAR VIA, KASARGOD DISTRICT.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

STATION HOUSE OFFICER,
NEELESWAR POLICE STATION, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 11/07/2007, ALONG WITH BA 4174 & CONNECTED CASES, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.Nos. 4172, 4174, 4176,
4178 & 4189 of 2007

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Dated this the 11th day of July, 2007

O R D E R

These applications are for anticipatory bail. The common petitioner apprehends arrest as one of the accused in the crimes registered under section 420 I.P.C. The crimes have been registered on the basis of private complaints filed before the Magistrate and referred to the police under Section 156(3) Cr.P.C. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner has no contumacious or culpable role in the crimes. Even if all the allegations were accepted, except that he happens to be a member of the Committee there is no other role assigned to him. The principal allegations are made against the father of the petitioner. In as much as the complainant assumes that initiating proceedings against the petitioner, a young person, to facilitate composition of the offences necessary allegations have been raised against him and he is arrayed as an accused. It is pointed out that in one crime, with reference to which B.A. 4173 of 2007 has been filed and has been

disposed of by this Court today, it is conceded that the police after investigation had dropped the petitioner from the array of parties.

3. The learned Prosecutor opposes the applications. He submits that interrogation of the petitioner is essential for a proper investigation of the cases.

4. I have considered all the relevant inputs. In the totality of circumstances revealed in the cases, I am satisfied that these are eminently fit cases where direction under Section 438 Cr.P.C. can be issued in favour of the petitioner. In coming to this conclusion I take specific note of the fact that there is no allegation of any specific overt act or complicity against the petitioner, except that he is also one of the persons in the committee running the chit. No other specific allegations are raised. Atleast in one case, he has already been dropped from the array of parties after investigation. Appropriate conditions to facilitate an expeditious investigation can of course be insisted.

5. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 18.7.2007 at 11 a.m. The learned Magistrate shall release him on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 19.7.07 and 20.7.2007 and thereafter on all Mondays between 10 a.m. and 12 noon for a period of one month. Subsequently he shall appear before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 18.7.06 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(b) If the petitioner were arrested prior to his surrender on 18.7.2006 as directed in clause (1) above, he shall be released on bail on his executing

a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 18.7.2007.

(R. BASANT)
Judge

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